

ECF CASE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LOCAL 456, INTERNATIONAL
BROTHERHOOD
OF TEAMSTERS,

Plaintiff,

—against—

ALL ROCK CRUSHING, INC.,

Defendant.

Index No. 08 Civ. 1894 (SCR)

**NOTICE OF MOTION
TO VACATE
ARBITRATION AWARD**

PLEASE TAKE NOTICE that upon the annexed Affirmation of George Kokkalenios, sworn to on April 11, 2008, the accompanying Memorandum of Law in Support of Defendant All Rock Crushing, Inc.'s motion to vacate the arbitration award and the exhibits annexed thereto, dated April 11, 2008, and upon all prior papers and proceedings herein, Defendant All Rock Crushing hereby moves this Honorable Court, United States District Court for the Southern District of New York, 300 Quarropas Street, White Plains, New York 10601 on a date and time to be determined by the Court for an Order pursuant to the Federal Arbitration Act, 9 U.S.C. §10 et. seq., and New York's Civil Practice Law and Rules §7511 for an order (i) vacating the arbitration award issued by Arbitrator Susan J. Panepento in its entirety on the grounds that (1) it is so imperfectly executed that a mutual, final and definite award was not made because the award does not contain a sum certain damages award; (2) The arbitrator exceeded the scope of her powers by creating a new agreement between the parties that does not exist; and (3) the arbitration award manifestly disregards the law; (ii) dismissing the within complaint in its

entirety; (iii) awarding Defendant the costs of defending this matter, including reasonable attorneys' fees; and (iv) granting such other and further relief as to the Court may seem just and proper.

Dated: White Plains, New York
April 11, 2008

Respectfully submitted,

s/George Kokkalenios, Esq.
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